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GOVERNOR

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
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AUGUSTA, MAINE
04330

MICHAEL F. KELLY
COMMISSIONER

JAY BRADSHAW, EMT-P
DIRECTOR

**Maine EMS Board Investigation Committee
Meeting Minutes
August 5, 1998
Maine EMS Conference Room, Augusta**

Present: S. Hayes, S. Leach, E. Murray, C. Pillsbury
Staff: D. White, B. Montejo
Guests: J. LeBrun

1. Call to Order - The meeting was called to order at 12:55 p.m.

A. Additions/Deletions to the Agenda

Chad Johnston - unlicensed practice
Cheryle Lola - criminal convictions

B. Accept Minutes of June 10, 1998 meeting

The minutes of the June 10, 1998, meeting were reviewed.

**MOTION: TO ACCEPT THE MINUTES OF THE JUNE 10, 1998, MEETING
(Murray;Leach - Motion Carries).**

2. Investigations

A. Richard Brown Jr.

B. Montejo provided a review of the Mr. Brown's case and copies of the applicants response to the notice of investigation. J. LeBrun provided the Committee with the background of how the Region discovered Mr. Brown was unlicensed during part of the Regional QA process. J. LeBrun explained that the Region was pleased with the service's immediate response to rectify the situation once it was discovered, and the Region worked with the service to develop a plan that would ensure the service doesn't utilize unlicensed providers in the future.

Discussion ensued with regard to the information provided the applicant, the Regional Coordinator and staff.

**MOTION: THE COMMITTEE FINDS THAT RICHARD BROWN JR PRACTICED
EMERGENCY MEDICAL CARE WITHOUT A LICENSE, SAID CONDUCT WHICH
CONSTITUTES A VIOLATION OF SECTION 12(A)(17) OF THE MAINE EMS RULES
(DATED SEPTEMBER 1, 1996). THEREFORE, THE COMMITTEE DENIES MR.
BROWN'S APPLICATION FOR RENEWAL OF HIS EMT-BASIC LICENSE AND**

DIRECTS THAT MR. BROWN SHALL NOT BE ELIGIBLE TO APPLY FOR LICENSURE UNTIL AUGUST 5, 1999 (Murray, Hayes - Motion Carries).

B. Auburn Fire Department

B. Montejo provided a review of the Auburn Fire Department case and copies of the service's response to the notice of investigation. The Committee discussed this case and based on the materials received and the information brought forward by the Regional Coordinator felt that the service had dealt with the situation appropriately once they became aware of it and had developed an appropriate plan that would prevent a reoccurrence of the Richard Brown situation. There was some questions as to how the service responds to medical calls and the Committee would like a follow up with the service to ensure that fire apparatus is not routinely sent to medical calls with unlicensed personnel.

MOTION: THAT THE COMMITTEE HAS RECEIVED SUFFICIENT INFORMATION WHICH DEMONSTRATES THAT AUBURN FIRE DEPARTMENT HAS TAKEN APPROPRIATE MEASURES TO INSURE THAT ONLY LICENSED PERSONNEL WILL BE USED IN THE PROVISION OF EMERGENCY MEDICAL CARE; AND, TO ISSUE A LETTER OF CONCERN REGARDING THE AUBURN FIRE DEPARTMENT'S RESPONSIBILITY TO INSURE THAT ONLY LICENSED PERSONNEL ARE UTILIZED TO FULFILL THE SERVICE'S REQUIREMENTS UNDER THE MAINE EMS RULES (Hayes, Murray - Motion Carries).

C. Donald Crocker

B. Montejo advised the Committee that Mr. Crocker had indicated on his application for EMS Licensure a history of operating after suspension in 1984, and speeding convictions. An SBI was conducted and indicated a history of the following:

- Disorderly conduct, 1975, \$15 fine
- Disorderly conduct, 1976, \$25 fine
- Theft , 1978, \$50 fine
- Disorderly conduct, 1981, \$50 fine

The Committee reviewed the materials and noted that the crimes were all older than ten years and all misdemeanors

MOTION - TO SEND A LETTER TO MR. CROCKER ADVISING HIM OF THE INFORMATION RECEIVED FROM THE SBI REPORT AND REMINDING HIM OF THE IMPORTANCE IN REPORTING ALL CONVICTIONS (Murray;Leach - Motion Carries).

D. Petit Manan/Nancy Parritt

The Committee reviewed responses submitted by Petit Manan Ambulance Service and licensee Nancy Parritt and, was provided with a copy of a statement of issues attached to a July 31, 1998, letter from Bruce Cassidy regarding administrative problems within the Petit Manan Ambulance Service.

MOTION: THAT THE RESPONSES OF LICENSEE NANCY PARRITT AND, ADELBERT PINKHAM (ON BEHALF OF THE PETIT MANAN AMBULANCE SERVICE) SATISFY THE COMMITTEE THAT NO VIOLATION OF THE MAINE EMS RULES EXISTS; THAT INVESTIGATIONS #98-03 AND #98-04 DO NOT MERIT FURTHER INVESTIGATION OR ACTION BY THE BOARD; THAT THE COMMITTEE REGRETS THE ADMINISTRATIVE PROBLEMS THAT EXIST WITHIN PETIT MANAN AMBULANCE SERVICE; AND, THAT THE COMMITTEE RECOMMENDS PETIT MANAN AMBULANCE SERVICE UTILIZE REGIONAL SUPPORT AND RESOURCES IN ADDRESSING ITS ADMINISTRATIVE ISSUES (Murray;Leach - Motion Carries).

E. Christopher West

D. White reported that licensee Christopher West failed to report a 1991 misdemeanor criminal conviction on his May 6, 1996, application for licensure as an EMT-Basic, and failed to accurately report the misdemeanor criminal conviction his May 18, 1998, application for licensure as an EMT-Intermediate.

MOTION: THAT LICENSEE CHRISTOPHER WEST FAILED TO REPORT A MISDEMEANOR CRIMINAL CONVICTION ON HIS 1996 EMT-BASIC APPLICATION AND INACCURATELY REPORTED THE CONVICTION ON HIS 1998 APPLICATION FOR EMT-INTERMEDIATE LICENSURE; AND, THAT MR. WEST'S ATTEMPTS TO REPORT THE CONVICTION ON HIS 1998 APPLICATION, THE CONVICTION IS A MISDEMEANOR, AND THAT MR. WEST HAS HAD NO OTHER CONVICTIONS SINCE 1991 CONSTITUTE MITIGATING CIRCUMSTANCES IN THIS CASE. THEREFORE, THE COMMITTEE DIRECTS THAT MR. WEST BE ISSUED A LETTER OF WARNING (Hayes;Leach - Motion Carries).

F. Anne Miller

D. White reported that Maine EMS has received information that licensee Anne Miller (Maine EMS Paramedic License #13728) practiced EMS patient care, as a member of the St George Volunteer Firefighters Association Ambulance Service, during a period of time from March 1, 1998 to May 28, 1998, and during which time she did not hold a valid EMS license.

MOTION: TO INITIATE AN INVESTIGATION OF LICENSEE ANNE MILLER REGARDING ALLEGATIONS THAT SHE PRACTICED EMERGENCY MEDICAL CARE WITHOUT A LICENSE AND TO INITIATE AN INVESTIGATION OF THE ST. GEORGE VOLUNTEER FIREFIGHTERS ASSOCIATION AMBULANCE SERVICE

REGARDING ALLEGATIONS THAT THEY AIDED AND ABETTED THE PRACTICE OF EMS PATIENT CARE BY A PERSON NOT LICENSED TO DO SO (Murray;Hayes Motion Carries).

G. Peter Coffey -

Staff reported that it had received information that licensee Peter Coffey (Maine EMS Paramedic license # 12229) had been convicted of theft - allegedly from a Maine EMS licensed service. The Committee expressed concern as to whether the conviction was representative of an isolated event or whether the licensee has a history of conduct regarding theft from EMS services.

MOTION: TO INITIATE AN INVESTIGATION OF LICENSEE PETER COFFEY REGARDING HIS JUNE 18, 1998, CONVICTION FOR THEFT AND TO FURTHER INVESTIGATE WHETHER THE CONVICTION IS REPRESENTATIVE OF AN ISOLATED EVENT OR WHETHER THE LICENSEE HAS A HISTORY OF CONDUCT OF THEFT FROM EMS SERVICES (Hayes;Leach - Motion Carries).

H. John Dovinsky -

The Committee reviewed a 1995 case regarding licensee John Dovinsky. D. White reported that this investigation was conducted during the period of time while Mr. Dovinsky was the Paramedic/Director of Clinton Fire Department Ambulance Service and involved his (Dovinsky's) response and patient care at a motor vehicle accident. White reported that, according to Kennebec Valley EMS regional coordinator, Randall Bumps, Dovinsky has not been the subject of any quality assurance issues or complaints since the time of the call which led to the investigation.

MOTION: THAT NO FURTHER INVESTIGATION OR ACTION IS WARRANTED REGARDING CASE 95-03, JOHN DOVINSKY, AND THAT THE MATTER BE DISMISSED (Hayes; Leach Motion Carries)

I. Brian Elliot - Update

D. White reported that Brian Elliot had contacted him regarding the suspension of Mr. Elliot's license. Mr. Elliot has been informed of Committee's decision and the Committee's willingness to enter into a consent agreement with the licensee.

J. Audette/Groder - Informal Conference

The Committee conducted an informal conference with licensee's Roger Audette and David Groder of the Augusta Fire Department (regarding case# 97-05). The informal conference was conducted in executive session and was tape recorded with the permission of the licensees. Committee member Steven Leach recused himself from the proceedings as he is a member of the Augusta Fire Department. Board member Carol Pillsbury was appointed by Board Chairman John Fields to serve in Mr. Leach's stead. Present at the informal conference were Stephen

Hayes, Carol Pillsbury, and Eugene Murray Jr for the Maine EMS Board; David Groder, Roger Audette, Chief Lawrence Bradley, Bob MacMaster, Eugene Howard, Steven Leach, and William Goodwin of the Augusta Fire Department; and, Augusta City Attorney Charles Moreshead.

The informal conference was convened at 1:25 pm and was adjourned at 2:05 pm.

Committee discussion ensued following the informal conference. The committee recognized the stressful circumstances of the call in question and of the licensees responsibility to communicate effectively with family members of the patient and bystanders at the scene of a medical emergency. The Committee also recognized that there is always room for improvement in communications skills and, an ongoing need to provide effective quality assurance/insurance at the service level.

MOTION: THAT LICENSEES ROGER AUDETTE'S AND DAVID GRODER'S CONDUCT DURING THE EMS CALL IN QUESTION DID NOT VIOLATE MAINE EMS RULES; THAT THE COMMITTEE DETERMINES THAT NO FURTHER INVESTIGATION OR ACTION IS WARRANTED IN THIS MATTER; THAT THE COMMITTEE STRONGLY RECOMMENDS THAT LICENSEES DAVID GRODER AND ROGER AUDETTE SEEK TO IMPROVE THEIR COMMUNICATIONS SKILLS AND THAT THE AUGUSTA FIRE DEPARTMENT PURSUE AN AGGRESSIVE QUALITY ASSURANCE/QUALITY IMPROVEMENT PROGRAM (Pillsbury;Murray - Motion Carries).

K. Alan England

D. White reported that Maine EMS has received information that licensee Alan England (Maine EMS EMT-Basic License #12744) practiced EMS patient care, as a member of the Bangor Fire Department Ambulance Service, during a period of time from February 1, 1998 to June 24, 1998, and during which time he did not hold a valid EMS license.

MOTION: TO INITIATE AN INVESTIGATION OF LICENSEE ALAN ENGLAND REGARDING ALLEGATIONS THAT HE PRACTICED EMERGENCY MEDICAL CARE WITHOUT A LICENSE AND TO INITIATE AN INVESTIGATION OF THE BANGOR FIRE DEPARTMENT AMBULANCE SERVICE REGARDING ALLEGATIONS THAT THEY AIDED AND ABETTED THE PRACTICE OF EMS PATIENT CARE BY A PERSON NOT LICENSED TO DO SO (Hayes; Leach - Motion Carries).

L. Other - Chad Johnson

D.White reported that Maine EMS has received information that licensee Chad Johnston (Maine EMS EMT-Intermediate License #14249) practiced EMS patient care, as a member of the Saco Fire Department Ambulance Service, during a period of time from April 1, 1998 to August 3, 1998, and during which time he did not hold a valid EMS license.

MOTION: TO INITIATE AN INVESTIGATION OF LICENSEE CHAD JOHNSTON REGARDING ALLEGATIONS THAT HE PRACTICED EMERGENCY MEDICAL CARE WITHOUT A LICENSE AND TO INITIATE AN INVESTIGATION OF THE SACO FIRE DEPARTMENT AMBULANCE SERVICE REGARDING ALLEGATIONS THAT THEY AIDED AND ABETTED THE PRACTICE OF EMS PATIENT CARE BY A PERSON NOT LICENSED TO DO SO (Hayes; Leach - Motion Carries).

3. License Applications

A. John Corbett

D. White reported that EMT-Basic licensee John Corbett indicated on his June 26, 1998 application, a 1974 conviction for possession of marijuana. An SBI was performed which indicated that Mr. Corbett had also been convicted of criminal trespass and criminal mischief on January 1, 1983.

MOTION: THAT LICENSEE JOHN CORBETT FAILED TO REPORT MISDEMEANOR CRIMINAL CONVICTIONS ON HIS JUNE 26, 1998 EMT-BASIC APPLICATION; AND, THAT MR. CORBETT'S PARTIAL DISCLOSURE OF HIS HISTORY OF CRIMINAL CONVICTIONS ON HIS APPLICATION, THE FACT THAT THE CONVICTIONS ARE MISDEMEANORS, AND THAT MR. CORBETT HAS HAD NO OTHER CONVICTIONS SINCE 1983 CONSTITUTE MITIGATING CIRCUMSTANCES IN THIS CASE. THEREFORE, THE COMMITTEE DIRECTS THAT MR. CORBETT BE ISSUED A LETTER OF WARNING (Hayes;Leach - Motion Carries)

B. Cheryle L. Lola

The applicant indicated on her July 21, 1998, application for licensure as an EMT-Basic, a 1981 conviction for unauthorized use of property; a 1989 conviction of driving after suspension; and, a 1995 conviction of endangering the welfare of a child. The Committee's concern focused on the 1995 child endangerment conviction and included review of the applicant's explanation, the police report, and recommendations from her local police chief.

MOTION: THAT THE APPLICANT HAS SATISFIED THE COMMITTEE THAT HER CONVICTION FOR ENDANGERING THE WELFARE OF A CHILD WAS AN ISOLATED INCIDENT WITHOUT POSSIBILITY OF RECURRENCE. THEREFORE THE COMMITTEE DIRECTS THAT CHERYLE LOLA'S APPLICATION FOR EMT-BASIC LICENSURE BE APPROVED AND THAT A LETTER OF CONCERN BE FORWARDED WITH THE LICENSE (Hayes;Murray - Motion Carries).

4. Other

A. Publication of Disciplinary Actions

The Committee reviewed the draft of the policy regarding publication of disciplinary actions by the Board.

MOTION: TO FORWARD THE LATEST DRAFT OF THE POLICY REGARDING PUBLICATION OF DISCIPLINARY ACTIONS TO THE BOARD FOR APPROVAL (Hayes;Leach Motion Carries).

B. Conviction Matrix

The Committee discussed the conviction matrix. Staff will continue working on a matrix consistent with proposed legislation and Committee recommendations.

5. Next Meeting

A. Set Agenda

Agenda to be set prior to next meeting.

B. Set Date and Time

The next meeting will follow the Board meeting on September 2, 1998.

6. Adjournment - The meeting was adjourned at 4:30 p.m.

Respectfully Submitted

Drexell White